

REMARKS

Claims 4 and 5 have been added. Claims 1-5 are now pending.

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Meier (U.S. Patent No. 4,669,878). Applicants traverse these rejections, at least for the following reasons.

Applicants submit that the applied art of record does not disclose or suggest the combination of claim 1 comprising an optical fiber disposed at a position where light outputted from spectroscopic means can be made incident by way of a shielding or reflecting member with which a second galvanometric scanner is provided. In this regard, the Office Action is apparently asserting that variable aperture 88 of Meier corresponds to the recited second galvanometric scanner and grating 91 of Meier corresponds to the recited spectroscopic means. However, as can be seen in Fig. 2 of Meier, aperture 88 is arranged before grating 91, i.e. the structure asserted to be the second galvanometric scanner is arranged before the structure asserted to correspond to the recited spectroscopic means, in the light transmission direction.

In contrast, claim 1 requires that the second galvanometric scanner is arranged after the spectroscopic means, as can be understood from the following recitation from claim 1: “a . . . second galvanometric scanner provided with a shielding or reflecting member adapted to block or reflect at least a part of light outputted from said spectroscopic means; and an optical fiber disposed at a position where light outputted from said spectroscopic means can be made incident

by way of said shielding or reflecting member.” This is consistent with the exemplary structure depicted in Applicants’ Fig. 1, which shows second galvanometric scanner 11 arranged after the spectroscopic means structure 8.

New dependent claims 4 and 5 patentably distinguish over the applied art of record for additional reasons. With regard to claim 4, Applicants submit that the alleged shielding member 88 of Meier does not partially block spectrally divided light from grating 91. With respect to claim 5, Applicants submit that the axes of the alleged first and second galvanometric scanners 88a, 91a, extend in the same direction.

For at least the foregoing reasons, Applicants respectfully submit that the present claims patentably distinguish over the applied art of record, and therefore traverse the rejections applied to the pending claims. Accordingly, reconsideration and withdrawal of the art rejections applied to the pending claims is respectfully requested.

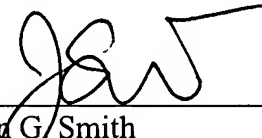
CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: February 26, 2004

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